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 4 Ukiah, California 95482  
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5 Attorney for Plaintiff  
 6 BRIAN MANNING  
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**UNITED STATES DISTRICT COURT**  
 9  
**NORTHERN DISTRICT OF CALIFORNIA**  
 10  
**SAN FRANCISCO DIVISION**

BRIAN MANNING,	)	<b>E-FILED</b>
	)	Unlimited
	)	Case No. C 08-00238 JSW
Plaintiff,	)	STIPULATION ALLOWING PLAINTIFF TO
vs.	)	FILE FIRST AMENDED COMPLAINT
	)	AND ORDER THEREON
ALLSTATE INSURANCE	)	
COMPANY, and DOES 1-30,	)	
Inclusive,	)	
	)	
Defendants.	)	
	)	

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 20 The parties herein allow and stipulate that plaintiff may file a First Amended Complaint  
 21 no later than April 15, 2008, for breach of contract claims only and that plaintiff's second cause  
 22 of action is to be dismissed with prejudice. Additionally, the parties stipulate that the motion to  
 23 be heard on May 9, 2008, is removed from the calendar.

24 Dated: April 1, 2008.

/s/ Sonia Martin

SONIA MARTIN

Attorney for Defendant

1 Dated: April 1, 2008

/s/ Joseph John Turri  
2 JOSEPH JOHN TURRI  
Attorney for Plaintiff

3  
4 **ORDER**

5 Pursuant to the stipulation of the parties, it is hereby ordered.

6 Dated: April \_\_\_, 2008.

7  
8 JEFFREY S. WHITE  
9 UNITED STATES DISTRICT JUDGE

## **PROOF OF SERVICE BY MAIL**

I, the undersigned, say:

I am and was at the time of the within described mailing, over 18 years of age and employed in the County of Mendocino, State of California, in which the within referred mailing occurred. I am not a party to the cause or matter mentioned in the attached document.

My business address is 445 N. State Street, Ukiah, CA 95482. On April 1, 2008, I served the attached **STIPULATION ALLOWING PLAINTIFF TO FILE FIRST AMENDED COMPLAINT AND ORDER THEREON** by placing a copy thereof in an envelope or a copy of each in separate envelopes if more than one addressee is hereafter named, addressed to each addressee respectively at his or her office address, as follows:

**Sonia Martin, Esq.  
Sonnenschein Nath & Rosenthal LLP  
2121 North California Blvd., Suite 800  
Walnut Creek, CA 94596**

Each envelope so addressed and containing such copy was then sealed and postage thereon full prepaid, and thereafter on the date and at the place this declaration was executed, shown below, deposited by me in the mail reception facility regulatory maintained by the United States Postal Service.

I declare under penalty of perjury under the laws of the State of California that he foregoing is true and correct.

Executed on April 1, 2008, at Ukiah, California.

/s/ Mary F. Morris  
MARY F MORRIS

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Stipulation Allowing Plaintiff to File First Amended Complaint and Dismissal  
Of Plaintiff's Second Cause of Action and Striking Plaintiff's Claim for Attorney's Fees,  
Interest, Emotional Distress, Damages, and Punitive Damages